

MEMO ENDORSED



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December 2, 2024

Via Electronic Filing:

Honorable Nelson S. Roman
United States District Court
Southern District of New York
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, New York 10601-4150

Re: McCann, Roberta and Donald v. Whole Foods Market Group, Inc.

Docket No.: 7:23-cv-01026-NSR

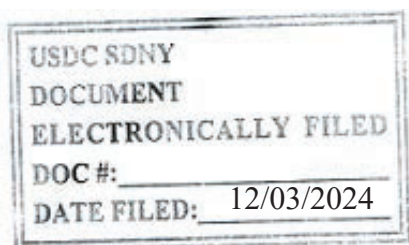
Dear Hon. Judge Roman:

We represent the defendant, Whole Foods Market Group, Inc. ("WFM"), in the above-referenced matter. The parties jointly submit this letter advising of the status of remaining paper discovery, expert depositions, and requesting an adjournment of the December 16, 2024, court conference.

On August 15, 2024, Plaintiff had a second surgery on her right hip performed by Dr. Buchalter. On August 20, 2024, Plaintiff's office provided WFM with a HIPAA authorization for the release of the surgical records. WFM processed the HIPAA authorization, but the operative report was not contained therein. Thus, WFM requested that Plaintiff provide a HIPAA authorization for the facility where the surgery was performed. On November 26, 2024, Plaintiff provided an authorization for the release of records from Northern Westchester Hospital as well as a copy of the operative report in plaintiff's possession. WFM has processed the authorization and is awaiting the records.

WFM intends to depose Dr. Buchalter in connection with the plaintiff's second surgery. Dr. Buchalter is only available for testimony on Friday. These records are needed before WFM can depose Dr. Buchalter.

All other discovery has been completed.



Thank you for your time and consideration.

Very truly yours,

CHARTWELL LAW

By: 
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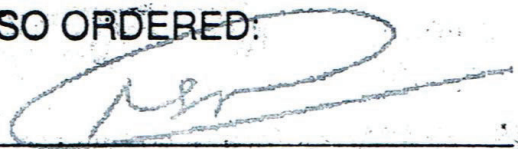
Via Electronic Filing and Email:
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In light of ongoing discovery issues, the parties' joint request to adjourn the Dec. 16, 2024 Pretrial Teleconf. is GRANTED. The Pretrial Teleconf is adjourned *sine die* pending resolution of ongoing discovery issues before United States Magistrate Judge Reznik.

Counsel are directed to file pre-motion letters seeking leave to file a dispositive motion within one (1) week of the completion of discovery. Responses thereto shall be filed three (3) days thereafter. Courtesy copies shall be emailed to chambers.

Alternatively, if counsel jointly decide to not seek leave to file dispositive motions, counsel shall notify the Court in writing and request the Court schedule a Pretrial Teleconference. Clerk of Court is requested to terminate the motion at ECF No. 54.

**Dated: White Plains, NY
December 3, 2024**

SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE